

REMARKS

Applicants respectfully request consideration of new Claim 1 and Claim 25.

Applicants would like an opportunity to address the 103(a) rejection set forth in the Final Office Action, rejecting Claim 1 (and presumptively) new Claim 25.

There is no teaching in the prior art to combine a biplane with a breakdown, motorized rail, this despite the fact that the prior art, at least much of the prior art is motivated to some of the same ends as motivations facing the Applicants. These common motivations include mobility and lightweight. Despite Applicants and prior art inventors being similarly motivated, the ends differ. Applicants have found a new combination of elements, some of which alone appear in the prior art, but none which appear in combination. Since none of the prior art teaches this combination, though some of the prior art is similarly motivated to Applicants' motivation, the Examiner has used hindsight reconstruction to pick and choose features in the prior art and assemble the claimed invention.

Woodland (U.S. Pat. No. 6,056,237) is motivated to provide a lightweight mobile, versatile UAV (Col. 2, lines 42-46, 49-54). Further, Woodland is motivated to provide a UAV capable of undertaking low speed flight (Col. 2, line 66, thru Col. 3, line 1). Yet Woodland teaches that low speed flight, and "backpackability" is not achieved with a breakdown powered rail system and biplane configuration. Woodland teaches that these ends are achieved by using a sonotube and a monoplane. It teaches away from a biplane and a breakdown, motorized launch rail/carriage system – all of these structures adding complexity, teaching away from mobility.

Ward (U.S. Pat. No. 2,843,342) is similarly motivated when compared to Applicants' motivation. Ward strives for tactical mobility (1/15-22). Yet one is struck when viewing Ward, the impossibility of the Ward system ever to fit into a backpack, it requires a trailer.

Griffin (U.S. Pat. No. 4,678,143) also suggests the impossibility of "backpacking" a motorized rail.

Siegel (U.S. Pat. No. 4,238,093) strives to produce a shuttle launched UAV (Col. 1, lines 40-45). Portability does not appear to be addressed by Siegel. Siegel shows an unseparable rail mounted to a ship's deck (Col. 2, line 61).

Thurber (U.S. Pat. No. 4,530,476) shows a fold-up UAV, but a rigid, non-backpackable rail without a powered launch means (Col. 3, lines 43-47).

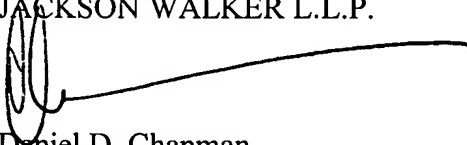
Rogers (U.S. Pat. No. 6,119,976) with similar motivation to Applicants leads to yet another non-motorized, non-breakdownable "tube" launch system.

It appears from the scope and content of the prior art that a common motivation for portability, lightweight, backpackability would lead to a self-launching monoplane using a sonotube (see Rogers and Woodland). There is no reason from these prior art teachings that Applicants' motivation cannot be achieved. One is especially struck by the dearth of biplane configurations in UAVs, despite the UAV's stated needs for low speed flight. Indeed, if low speed flight can be achieved with a monoplane, biplanes, which have necessarily more structure, certainly "teach away" from backpackability. The citation to Geraci (U.S. 3,985,317) and Adkins (US 4,856,736) discloses an unconventional biplane configuration for STOL operations in a full sized aircraft, not a UAV. Aerodynamics are notoriously unreliable when scaled down "outside the envelope."

Thus, for the combination of features found in Claims 1 and 25, one is required to ignore the scope and content of the prior art and to pick and choose among specific references to obtain the claimed structure, which elements are picked and chosen, dictated by Applicants' claim structure and therefore is impermissible hindsight reconstruction.

In view of the above, Applicants respectfully request reconsideration.

Respectfully submitted,
JACKSON WALKER L.L.P.



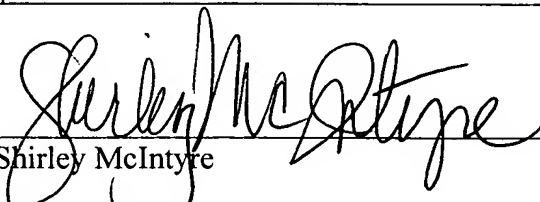
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